

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30913. Adulteration of smoked herring. U. S. v. 84 Boxes and 134 Boxes of Cured Kippers. Default decree of condemnation and destruction. (F. & D. Nos. 44846, 44847. Sample Nos. 59761-D, 59762-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was in part decomposed.

On February 15, 1939, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 218 boxes of smoked herring at Brooklyn, N. Y.; alleging that the article had been shipped on or about November 8, 1938, by Green Bros. from Eastport, Maine; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Triboro Brands Best English Cured Kippers Oak Smoked."

It was alleged to be adulterated in that it consisted in part of a filthy animal substance, namely, decomposed fish.

On April 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30914. Adulteration of frozen fish. U. S. v. 450 Boxes of Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 45533. Sample No. 54821-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in whole or in part decomposed.

On June 26, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 boxes of perch fillets at Chicago, Ill.; alleging that the article had been shipped by Slade Gorton Co. from Gloucester, Mass., on or about June 9, 1939; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frozen Ocean Perch Fillets."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30915. Adulteration of butter. U. S. v. Fairmont Creamery Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 42774. Sample No. 60636-D.)

This product contained less than 80 percent of milk fat.

On October 23, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation having a place of business at Pittsburgh, Pa., alleging shipment by said company on or about May 22, 1939, from the State of Pennsylvania into the State of New York, of a quantity of butter which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923.

On November 28, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*